

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARILYN K. COTTER,

Plaintiff,

v.

Civil Action No. 5:06CV72
(STAMP)

PRUDENTIAL FINANCIAL and
PRUDENTIAL INSURANCE COMPANY
OF AMERICA

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT
AND GRANTING DEFENDANTS' MOTION IN THE
ALTERNATIVE FOR LEAVE TO RESPOND

On December 18, 2006, the defendants, Prudential Financial and Prudential Insurance Company of America, filed a motion to strike the plaintiff's supplement to its motion for summary judgment, or in the alternative, a motion for leave to respond. This Court finds that no party will suffer prejudice if the defendants are granted leave to respond. Accordingly, the defendants' motion to strike plaintiff's supplemental motion for summary judgment is DENIED but the defendants' alternative motion for leave to respond is GRANTED. Prudential Financial and Prudential Insurance Company of America shall file any response to the plaintiff's "Supplemental Motion for Summary Judgment Related to Defendants' Answer to Requests for Admission" on or before **August 2, 2007**.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: July 19, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE